

DATE

Dr. Latricia Kyle
2701 N. Grapevine Mills Blvd.
Apt. 527
Grapevine, Texas 76051

**Re: Louisiana Board of Ethics Docket No. 2021-762
Advisory Opinion**

Dear Dr. Kyle:

The Louisiana Board of Ethics, at its November 5, 2021 meeting, considered your request for an advisory opinion as to whether you may enter into an agreement to purchase property from a governing authority of which your biological brother is a member.

FACTS PROVIDED

You are interested in purchasing property adjudicated to Madison Parish ("Parish"). Sale of property adjudicated to the Parish requires a vote of the Parish Police Jury. Your brother, Dave Wilson, III, is the elected police juror for District 3. Although Mr. Wilson is your biological brother, he was adopted at birth by another family, Mr. and Mrs. Dave Wilson, Jr.

You would like to know whether your purchase of the property would be prohibited, and whether Dave Wilson, III would need to recuse himself from the transaction.

LAW

La. R.S. 42:1112B(1) states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any member of his immediate family has a substantial economic interest.

La. R.S. 42:1113A states no public servant, or a member of such a public servant's immediate family, or a legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

La. R.S. 42:1102(13) defines "immediate family" as the term relates to a public servant to mean his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.

La. C.C. art. 199 provides that upon adoption, the adopting parent becomes the parent of the child for all purposes and the filiation between the child and his legal parent is terminated, except as otherwise provided by law.

Advisory Opinion No. 2012-2153: The Board held that Mr. Wilson would not be considered an immediate family of his biological mother for the purposes of the Code of Governmental Ethics.

ANALYSIS

In accordance with La. C.C. art. 199 and La. R.S. 42:1102(13), you would not be considered a member of Mr. Wilson's immediate family. Accordingly, the prohibitions contained in La. R.S. 42:1112B(1) and La. R.S. 42:1113A would not apply to the proposed transaction.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics does not prohibit you from purchasing adjudicated property from the Parish, and does not prohibit Mr. Wilson from participating as a police juror in the sale of the property from the Parish to you.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Charles E. Reeves, Jr.
For the Board